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ER 86-0800-86
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ER 86-1448-11-3
DCI 50980-86
DCI 1110-86
ER-1563-86
ER-1561-86
OS-2071-86
9 April 86
DCI Speech to
NEWSPAPER EDITORS

Sanitized Copy Approved for Release 2010/10/18 : CIA-RDP88G01116R001202400003-0

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# EXECUTIVE SECRETARIAT

## ROUTING SLIP

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
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SUSPENSE

Date

Remarks

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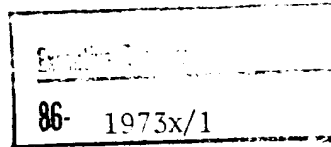
Executive Secretary

13 May 86

Date

3637 (10-81)

Henry Anatole Grunwald  
Editor-in-Chief



Time Inc.  
Rockefeller Center  
New York, NY 10020  
212 841 3175

**Time Inc.**

May 9, 1986

Mr. William J. Casey  
Director  
Central Intelligence Agency  
Washington, D.C. 20505

Dear Bill:

I have read your speech to the American Society of Newspaper Editors which George Lauder forwarded at your request. I agree with what you say. Certainly it is crucial to protect sensitive national security information. And while I share your view that the chief responsibility for this lies with government, I have always believed that the press must play its part. One can disagree on specifics, but certainly not on the principle.

Concerning the recent flap, I must say that I regret the fact that you told a leading journalist that you were considering criminal prosecution of TIME and others, without informing us of this and without letting us know what the charge might be. I happen to be a strong, not to say vehement, advocate of an effective CIA and a far less restricted capacity for covert action. Quite apart from that, our publications would never knowingly violate the law in the security or any other area, which is why your unspecified accusations were so disturbing. But I hope and believe that in spite of this the Agency and TIME's journalists will continue the good relationship we have had over the years.

Sincerely,



*P-309-12*

The Director of Central Intelligence

Washington, D.C. 20505

Executive Registry

86-

1561

11 April 1986

The Honorable George P. Shultz  
Secretary of State  
Washington, D. C. 20520

Dear George,

I thought you might be interested in my remarks  
on leaks before the American Society of Newspaper  
Editors.

Yours,



William J. Casey

Enclosure (ER 1448/3 -86)

12 Apr 86

→ Note:

Hand carried to SDO on 12 Apr 86.  
PDBers will take to Secretary  
Shultz on Monday Morning. OK'd by



STAT

DCI  
EXEC  
REG

P-309-1R  
X-ref: B-84-1R



**CENTRAL INTELLIGENCE AGENCY**

WASHINGTON, D. C. 20505

Executive Registry

86-1973

**PUBLIC AFFAIRS**

Phone: (703) 351-7676

8 May 1986

Mr. Strobe Talbott  
TIME Magazine  
1050 Connecticut Avenue  
Suite 850  
Washington, D.C. 20036-5334

Strobe,

The Director asked me to ensure that Ralph Davidson and Henry Grunwald get copies of his speech to the American Society of Newspaper Editors. They are attached.

While there is a clear need for the administration to go after its leakers in a vigorous way and for the Congress to do the same, it seems to me the media has some responsibilities in this area, too. Attached is a recent letter I sent to USA TODAY. It went apparently--and not surprisingly--into the newspaper's "circular file."

I have tried for two and a half years to bring the media to an understanding that this is their intelligence service and that it helps protect the very freedoms the media enjoys. I have had some success. Nonetheless, with others it has been like peeing into a gale. There is a lot of arrogance out there and total contempt for the need to protect intelligence agents and unique technical collection systems which are extremely difficult to create and replace. These sensitive systems cost billions and it takes years to redo them in some novel way to circumvent the countermeasures our adversaries place in our way, thanks to the help that the media provides them. In the meantime, once they are compromised by the media we are deprived of the information they can provide on early warning, arms control, terrorism and other priority national intelligence needs.

This country can have a free press--it certainly needs one--and a superb intelligence service. It needs that, too. We have to work together--you in the media and we in the intelligence business--to iron out our problems. That takes a willingness to listen, not lecture. The media tends to be better at the latter than the former in matters of this type.



P-309-IR  
CR-B-808-IR

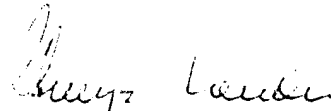
Mr. Strobe Talbott

-2-

8 May 1986

The Agency had under consideration your request for the particulars of any complaint we might have against TIME. Before we could arrive at a decision as to how we should respond, Henry Grunwald issued a statement to the press saying that the Agency would not provide TIME with the information it requested. Since he appears to know everything, including what we are going to do in the Agency before we decide ourselves, perhaps we should let his omniscience take precedence over our decision-making process.

Sincerely, /

A handwritten signature in cursive script, appearing to read "George V. Lauder".

George V. Lauder  
Director, Public Affairs



**EXECUTIVE SECRETARIAT**  
ROUTING SLIP

*ER*

TO:

		ACTION	INFO	DATE	INITIAL
1	DCI		X		
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SUSPENSE

Date

Remarks

Executive Secretary  
30 April 86

Date

3637 (10-81)

STAT

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3 APR 1986

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April 15, 1986

Honorable William J. Casey  
Director of Central  
Intelligence Agency  
Washington, D.C. 20501

Dear Mr. Casey

Thank you very much for appearing before the American Society  
of Newspaper Editors at their annual convention on April 9, 1986.

Your remarks were very well received and it was an honor and  
pleasure to moderate that portion of the program.

With warm regards



Richard M. Schmidt, Jr.



P-309-IR  
CR-B-801-IR

Executive Registry

86-

1563

The Director of Central Intelligence

Washington, D.C. 20505

9 April 1986

Dear Mr. President:

You really handled those questions from  
the newspaper editors at lunch today.

I thought you would be interested in  
seeing the talk I gave after you on National  
Security and the Media--particularly the  
quotes from Kay Graham on page 4.

Yours,

*Buc*

Enclosure (*ER 1448/3 -86*)

DCI:WJC:dmg

Distribution:

Original w/att. (American Society of Newspaper Editors, 9 Apr 86)

	-The President
1 w/att.	-OEGB Chrono
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1 w/o	-ER

DCI  
EXEC  
REG

*P-309-1R*

*X-ref: B-80-1R*

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TRANSMITTAL SLIP		DATE 9 April 1986
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Executive Registry

86- 1448/3

REMARKS OF WILLIAM J. CASEY

DIRECTOR OF CENTRAL INTELLIGENCE

BEFORE THE

AMERICAN SOCIETY OF NEWSPAPER EDITORS

WEDNESDAY, 9 APRIL 1986

J. W. MARRIOTT HOTEL

WASHINGTON, D. C.

GOOD AFTERNOON. IT IS A PRIVILEGE AND A PLEASURE FOR ME TO BE WITH YOU TODAY TO DISCUSS NATIONAL SECURITY AND THE MEDIA. NATIONAL SECURITY HAS MANY DIMENSIONS BUT I WILL FOCUS ON ONE ELEMENT -- INTELLIGENCE -- WHICH IMPACTS MILITARY FORCES AND WEAPONS ACQUISITION, TERRORISM AND REGIONAL CONFLICTS, DIPLOMACY AND ARMS CONTROL, AND VIRTUALLY EVERY OTHER ASPECT OF OUR FOREIGN AND DEFENSE POLICIES.

THE WORK OF THE AMERICAN INTELLIGENCE COMMUNITY IS MUCH LIKE YOURS. WE BOTH WORK AT THE COLLECTION AND PROPER PRESENTATION OF ACCURATE INFORMATION THAT LEADS TO INFORMED JUDGMENTS. OUR OFFICERS OVERSEAS, LIKE YOUR CORRESPONDENTS, WORK DAY AND NIGHT TO OBTAIN VITAL INFORMATION. LIKE MANY SKILLED JOURNALISTS, CIA ANALYSTS SPEND HOURS PORING OVER REPORTS FROM MANY DIFFERENT SOURCES IN ORDER TO PRESENT FACTS IN THE CONTEXT OF BROADER EVENTS AND ISSUES.

NEITHER YOU NOR THE CIA CAN DO ITS JOB WITHOUT HAVING SOURCES AND METHODS OF COLLECTING INFORMATION WHICH OFTEN MUST REMAIN UNIDENTIFIED TO THE PUBLIC. I AM REQUIRED BY LAW TO PROTECT THE SOURCES AND METHODS BY WHICH WE COLLECT INTELLIGENCE. THIS IS A SERIOUS RESPONSIBILITY AND ONE I DO NOT TAKE LIGHTLY. YOU IN JOURNALISM TAKE JUST AS SERIOUSLY THE CONFIDENTIALITY AND PROTECTION OF YOUR SOURCES.

OUR COUNTRY HAS INVESTED TIME, EFFORT, AND TALENT OVER MANY YEARS AND SPENT MANY BILLIONS OF DOLLARS TO DEVELOP METHODS OF COLLECTING THE INFORMATION NEEDED TO ASSESS MISSILES AND OTHER WEAPONS AIMED AT US, TO DETERMINE THE INTENTIONS AND VULNERABILITIES OF OUR ADVERSARIES SO THAT WE CAN DEVELOP EFFECTIVE DEFENSES AND COUNTERMEASURES, TO PROTECT OUR CITIZENS AND INSTALLATIONS AROUND THE WORLD FROM TERRORIST ATTACKS, AND TO ASSIST OUR DIPLOMATS. GOOD INTELLIGENCE SOURCES ARE CRITICAL TO OUR NATIONAL SECURITY, INCLUDING OUR HOPES OF EFFECTIVE ARMS CONTROL AND THE SAFETY OF AND LIBERTY OF OUR CITIZENS. SECRECY AND CONFIDENTIALITY AS TO HOW AND THROUGH WHOM WE COLLECT INFORMATION IS ESSENTIAL TO OUR EFFECTIVENESS.

WE MUST CLASSIFY AND RESTRICT THE CIRCULATION OF INFORMATION ABOUT HOW AND WHERE WE COLLECT INTELLIGENCE AND OF THE REPORTS AND ASSESSMENTS BASED ON THAT INTELLIGENCE IF THEY MIGHT REVEAL OR COMPROMISE OUR SOURCES OR METHODS. THE KGB AND OTHER HOSTILE INTELLIGENCE SERVICES SPEND BILLIONS OF DOLLARS EACH YEAR IN AN EFFORT TO ACQUIRE THIS INFORMATION. AND THE UNAUTHORIZED PUBLICATION OF THIS RESTRICTED INFORMATION HANDS TO OUR ADVERSARIES ON A SILVER PLATTER INFORMATION THAT THEIR SPIES, THEIR RESEARCHERS, AND THEIR SATELLITES ARE WORKING 24 HOURS A DAY TO UNCOVER AND USE AGAINST US.



IN RECENT YEARS, PUBLICATION OF CLASSIFIED INFORMATION BY THE MEDIA HAS DESTROYED OR SERIOUSLY DAMAGED INTELLIGENCE SOURCES OF THE HIGHEST VALUE. EVERY METHOD WE HAVE OF ACQUIRING INTELLIGENCE -- OUR AGENTS, OUR RELATIONSHIPS WITH OTHER SECURITY SERVICES, OUR PHOTOGRAPHIC AND ELECTRONIC CAPABILITIES, THE INFORMATION WE GET FROM COMMUNICATIONS -- HAS BEEN DAMAGED BY THE PUBLICATION OF UNAUTHORIZED DISCLOSURES.

STORIES IN BOTH THE PRINT AND ELECTRONIC MEDIA HAVE SHOWN, SOMETIMES IN GREAT DETAIL, HOW TO COUNTER CAPABILITIES IN WHICH WE HAVE INVESTED BILLIONS OF DOLLARS AND MANY YEARS OF CREATIVE TALENT AND EFFORT. THIS, TIME AND TIME AGAIN, HAS ENABLED THOSE HOSTILE TO US TO ABORT HUGE INVESTMENTS, TO CONCEAL AND OTHERWISE DENY US INFORMATION CRITICAL TO OUR DEFENSE, AND TO DEPRIVE US OF THE ABILITY TO PROTECT OUR CITIZENS FROM TERRORIST ATTACK. LEAKERS ARE COSTING THE TAXPAYERS MILLIONS AND EVEN BILLIONS OF DOLLARS -- AND, MORE IMPORTANT, PUTTING AMERICANS ABROAD AS WELL AS OUR COUNTRY ITSELF AT RISK.

APART FROM OUR NEED TO PROTECT OUR SOURCES AND METHODS, WE DO NOT WISH TO LIMIT YOU IN ANY WAY FROM GETTING THE INFORMATION THE PUBLIC NEEDS AND SHOULD HAVE. I BELIEVE WE ARE ALL WORKING TOWARD THE SAME GOAL -- MAINTAINING THE BEST AND MOST FREE COUNTRY IN THE WORLD. WE FULLY SUPPORT AND ADMIRE YOUR COMMITMENT TO INFORM THE PUBLIC AND THE DEDICATION AND INGENUITY WITH WHICH YOU MEET THAT COMMITMENT.

BUT I DO BELIEVE WE ALL HAVE RESPONSIBILITIES WE MUST BALANCE. IT'S A VERY DELICATE AND DIFFICULT BALANCE TO STRIKE. I THINK MRS. KATHARINE GRAHAM GOT IT RIGHT IN A VERY THOUGHTFUL AND CONSTRUCTIVE SPEECH SHE MADE ON TERRORISM AND THE MEDIA AT THE GUILDHALL IN LONDON LAST DECEMBER.

SHE TOLD HOW A TELEVISION NETWORK AND A COLUMNIST HAD OBTAINED INFORMATION THAT WE WERE READING THE MESSAGES OF PEOPLE ARRANGING THE BOMBING OF THE U.S. EMBASSY IN BEIRUT. SHORTLY AFTER THIS PUBLIC DISCLOSURE, THAT TRAFFIC STOPPED. THIS UNDERMINED OUR EFFORTS TO CAPTURE THE TERRORIST LEADERS AND ELIMINATED A SOURCE OF INFORMATION ABOUT FUTURE ATTACKS.

MRS. GRAHAM WENT ON TO SAY: "THIS KIND OF RESULT, ALBEIT UNINTENTIONAL, POINTS UP THE NECESSITY FOR FULL COOPERATION WHEREVER POSSIBLE BETWEEN THE MEDIA AND THE AUTHORITIES. WHEN THE MEDIA OBTAINS ESPECIALLY SENSITIVE INFORMATION, WE ARE WILLING TO TELL THE AUTHORITIES WHAT WE HAVE LEARNED AND WHAT WE PLAN TO REPORT. AND WHILE RESERVING THE RIGHT TO MAKE THE FINAL DECISION OURSELVES, WE ARE ANXIOUS TO LISTEN TO ARGUMENTS ABOUT WHY INFORMATION SHOULD NOT BE AIRED. [THE MEDIA] WANT TO DO NOTHING THAT WOULD ENDANGER HUMAN LIFE OR NATIONAL SECURITY. WE ARE WILLING TO COOPERATE WITH THE AUTHORITIES IN WITHHOLDING INFORMATION THAT COULD HAVE THOSE CONSEQUENCES."

I SUBMIT THESE PRINCIPLES APPLY WITH THE SAME FORCE TO COSTLY INTELLIGENCE CAPABILITIES AS THEY DO TO TARGETS THREATENED BY TERRORISM.

I HAVE WITNESSED ADMIRABLE RESTRAINT AND JUDGMENT BY JOURNALISTS. I HAVE BEEN GRATIFIED BY THE READINESS OF MANY OF YOU TO CAREFULLY CONSIDER SOMETIMES WITHHOLDING PUBLICATION OF INFORMATION WHICH COULD JEOPARDIZE NATIONAL INTERESTS OR TO TREAT OR PRESENT A STORY IN A MANNER WHICH MEETS THE PUBLIC NEED, YET MINIMIZES POTENTIAL DAMAGE TO INTELLIGENCE SOURCES. THE TRICK IS TO RECOGNIZE THE POTENTIAL FOR DAMAGE AND TO CONSULT ON HOW IT MIGHT BE MINIMIZED. WE ARE ALWAYS READY AND AVAILABLE ON SHORT NOTICE TO HELP ON THAT.

I HASTEN TO ADD, HOWEVER, THAT THE MOST EFFECTIVE WAY OF PREVENTING THESE TYPES OF LEAKS IS TO INCREASE DISCIPLINE WITHIN THE GOVERNMENT. THE INABILITY TO CONTROL SENSITIVE INFORMATION IS DESTRUCTIVE OF THE MORALE OF PEOPLE WHO DO KEEP SECRETS, AS WELL AS DAMAGING TO OUR SECURITY. DURING THE LAST SEVERAL YEARS, THE PRESIDENT HAS EMPHASIZED THE SPECIAL OBLIGATION FEDERAL WORKERS HAVE TO PROTECT THE CLASSIFIED INFORMATION WITH WHICH THEY ARE ENTRUSTED. WE HAVE INCREASED OUR EFFORTS TO UNCOVER THOSE WHO VIOLATE THIS TRUST. WE ARE STUDYING WHETHER NEW LAWS ARE NEEDED TO DEAL WITH FEDERAL EMPLOYEES WHO DECIDE ON THEIR OWN TO DISCLOSE CLASSIFIED INFORMATION.

WHEN OUR INTELLIGENCE ASSESSMENTS REACH THE MEDIA, WHETHER AUTHORIZED OR NOT, WE ARE FREQUENTLY ASKED TO PRODUCE THE EVIDENCE WHICH SUPPORTS OUR JUDGMENTS. SOMETIMES WE CAN, BUT MUCH MORE OFTEN WE CANNOT WITHOUT JEOPARDIZING OUR SOURCES OR TEACHING OUR ADVERSARIES HOW TO DENY US NEEDED INFORMATION IN THE FUTURE.

IF WE CAN'T REVEAL OUR EVIDENCE OR DISCLOSE OUR SOURCES, WHY SHOULD THE POLICYMAKERS OR THE PUBLIC TRUST INTELLIGENCE ASSESSMENTS? OUR PRIMARY CREDIBILITY COMES FROM THE ACCURACY AND RELIABILITY OF OUR PAST ASSESSMENTS AND FROM THE CONTINUED DEDICATION OF THE PEOPLE AND THE INTEGRITY OF THE PROCESS BY WHICH THEY ARE PRODUCED. OUR INTELLIGENCE PRODUCTS ARE THE WORK OF CAREER PROFESSIONALS BASED ON INFORMATION FROM A WIDE VARIETY OF SOURCES AND THE MOST SOPHISTICATED AND ADVANCED INTELLIGENCE TECHNOLOGY WHICH EXISTS IN THE WORLD -- PHOTOGRAPHY, SPACE SATELLITES, ELECTRONICS, ACOUSTICS, COMMUNICATIONS COLLECTORS, SEISMIC AND OTHER SENSORS.

OUR NATIONAL INTELLIGENCE ESTIMATES ARE THE RESULT OF LONG HOURS OF PREPARATION AND DEBATE BY ANALYSTS FROM THE DIA, CIA, NSA, ARMY, NAVY, MARINES, AND AIR FORCE INTELLIGENCE AND OTHER COMPONENTS OF THE INTELLIGENCE COMMUNITY. THEIR WORK IS REVIEWED BY THE CHIEFS OF EACH OF THESE COMPONENTS SITTING AS THE NATIONAL FOREIGN INTELLIGENCE BOARD AND CHARGED

WITH SEEING THAT THE RELEVANT INFORMATION AND JUDGMENTS HELD BY THEIR ORGANIZATIONS ARE AVAILABLE. AS THE BOARD'S CHAIRMAN, I SEE THAT ANY SUBSTANTIATED DISSENTING OR ALTERNATIVE VIEW IS REFLECTED SO THAT POLICYMAKERS HAVE THE BENEFIT OF THE FULL RANGE OF OPINION IN THE INTELLIGENCE COMMUNITY.

IN A WORLD WHERE THE SOVIET BLOC SPENDS LAVISHLY ON NEW WEAPONS AND WORKS AGGRESSIVELY TO EXPAND ITS CONTROL AND INFLUENCE AT THE EXPENSE OF FREE NATIONS AND WHERE SOVEREIGN STATES, LIKE LIBYA, USE TERRORISM AS AN INSTRUMENT OF FOREIGN POLICY, IT IS INCREASINGLY ESSENTIAL THAT THE PUBLIC LEARN WHAT SORTS OF CHALLENGES HIS GOVERNMENT IS FACING.

WE MAKE EXTRAORDINARY EFFORTS TO RESPOND TO REQUESTS FROM BOTH THE EXECUTIVE AND LEGISLATIVE BRANCHES TO SANITIZE OR DECLASSIFY INTELLIGENCE INFORMATION AND ASSESSMENTS IN ORDER TO MAKE THEM AVAILABLE TO THE PUBLIC. PERHAPS THE BEST EXAMPLE OF THE INTELLIGENCE COMMUNITY'S CONTRIBUTION TO THE PUBLIC DEBATE ON IMPORTANT ISSUES OF NATIONAL SECURITY HAS BEEN DIA'S ANNUAL PUBLICATION, SOVIET MILITARY POWER, WHICH IS CLOSELY COORDINATED BY CIA. LAST SUMMER THE COMMUNITY AT THE REQUEST OF THE WHITE HOUSE AND CONGRESS SANITIZED AND PRESENTED IN OPEN TESTIMONY OUR ASSESSMENT OF SOVIET STRATEGIC FORCES.

MORE FREQUENTLY, HOWEVER, CIA MATERIAL IS DECLASSIFIED FOR USE IN OTHER GOVERNMENT PUBLICATIONS, SUCH AS STATE'S WHITE PAPERS ON TERRORISM AND TWO PUBLICATIONS DISTRIBUTED BY THE DEFENSE DEPARTMENT OVER THE PAST FEW YEARS ON SOVIET ACQUISITION OF WESTERN TECHNOLOGY. WHENEVER INTELLIGENCE IS USED AS THE SOURCE FOR UNCLASSIFIED PUBLICATIONS, IT IS IMPORTANT THAT WE STAY WITHIN THE EVIDENCE TO MAINTAIN OUR INTEGRITY AND TO PROTECT THE POLICYMAKER.

THIS ORDERLY AND CAUTIOUS APPROACH TO THE PUBLIC USE OF INTELLIGENCE IS GUIDED BY THE HIGHEST GOVERNMENT AUTHORITIES AND INVOLVES THE CLOSE PARTICIPATION OF INTELLIGENCE PROFESSIONALS. WHEN WE PROMISE OUR SOURCES CONFIDENTIALITY, WE IN MANY CASES LITERALLY HOLD THEIR LIVES IN OUR HANDS. AS WE RESPECT THE RIGHT OF THE PRESS TO GATHER AND PUBLISH NEWS AND APPLAUD YOUR EXPOSURE OF WASTE, CORRUPTION, AND OTHER MISCONDUCT, I HOPE YOU WILL RESPECT OUR RIGHT AND DUTY TO KEEP THE NATION'S LEGITIMATE SECRETS. AMONG THE THOUSANDS OF EDITORIALS ABOUT THE FAILINGS AND SHORTCOMINGS OF GOVERNMENT EMPLOYEES, I CAN RECALL FEW, IF ANY, THAT TOOK A PUBLIC SERVANT TO TASK FOR REVEALING CLASSIFIED INFORMATION. YET CLASSIFIED LEAKS ARE AT LEAST AS DAMAGING AS THE COST OVERRUNS, CONFLICTS OF INTEREST, AND OTHER TYPES OF MALFEASANCE SO PROPERLY CRITICIZED BY THE PRESS.

WE ARE EAGER TO DEVELOP BETTER UNDERSTANDING AND CLOSER COOPERATION BETWEEN YOU IN THE WORKING PRESS, WHO PERFORM SUCH A VITAL FUNCTION IN OUR SOCIETY, AND THE INTELLIGENCE COMMUNITY, WHICH PLAYS AN ESSENTIAL ROLE IN PROTECTING THIS NATION. AMERICA NEEDS A FREE, VIGOROUS PRESS AND IT NEEDS A SUPERIOR INTELLIGENCE SERVICE. WE ARE BOTH SERVING OUR COUNTRY IN VITAL AND FUNDAMENTAL MATTERS.

THANK YOU.

\*\*\*\*\*

CENTRAL INTELLIGENCE AGENCY



OCA 86-1110  
8 April 1986

Director of Congressional Affairs

NOTE FOR: DCI  
DDCI-designate

FROM: Dave Gries

This is a very good speech, hard-hitting and explicit, yet balanced. A few comments at the clips.



Dave Gries

STAT

Distribution:

- Original - Addressee
- 1 - DDCI-designate
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D/OCA:DDG:mdo (8 April 1986)

*P. 509-12*  
*B-801-12*



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OGC-86-50980

8 April 1986

*copy sent to:*  
DCI (ORIG)  
DDCI-D  
EXDIR  
ES

MEMORANDUM FOR: Director of Central Intelligence

FROM: David P. Doherty  
General Counsel

SUBJECT: Your Speech Before the American Society of  
Newspaper Editors

1. At today's morning meeting, you requested some talking points on the Freedom of Information Act (FOIA) in case that subject arises during your speech tomorrow to the American Society of Newspaper Editors. The following brief points are offered for your consideration.

2. The FOIA is a statutory mechanism whereby any individual or organization, foreign or domestic, can request access to records on a particular subject in an agency's possession. The requested information must be disclosed unless it falls within one or more of nine specific exemptions. Traditionally, the Agency has relied primarily upon exemptions one (classified information) and three (intelligence sources and methods) to justify the withholding of information requested. Invariably, the Agency's decisions with respect to the application of these exemptions have been upheld by the courts.

3. Over the years the Agency's efforts to comply with the FOIA have resulted in a tremendous burden upon our resources. Personnel have been diverted from operational tasks to perform FOIA review. Individuals have refused to work for us for fear of being disclosed in response to a FOIA request. Additionally, foreign liaison services have felt that Agency compliance with the FOIA risked the disclosure of information which they had provided to us in confidence. As a result of these and other difficulties, the Agency sought legislative relief from certain provisions of the FOIA. On 15 October 1984, the President signed the CIA Information Act of 1984 into law. Basically, this statute allows the DCI to designate certain files of the DO, DS&T and the Office of Security as "operational files" which are not subject to the search and review provisions of the FOIA. The intent of the Act was to ensure that the Agency's most sensitive files would not be subject to the risk of public disclosure.

4. Once the CIA Information Act passed, the process of designating files was accomplished. Currently, the CIA Act is having a major impact upon our FOIA processing. Because we are no longer required to search for, retrieve, and review sensitive operational files, the Agency's backlog has been reduced and we have improved our response times to individual requestors. We are hopeful that this improvement in response time will continue, to the benefit of the public.

5. In the courts, Sims, of course, represents a major victory for the Agency, both in terms of the FOIA and with respect to litigation generally. In Sims, the Supreme Court held that you have very broad authority under FOIA exemption three to protect intelligence sources and methods from public disclosure. While we will continue to face novel and difficult issues concerning application of the FOIA, we expect Sims, in conjunction with the CIA Information Act, to be of tremendous benefit in protecting against the disclosure of sensitive information.

6. You should be aware that a former Agency historian, Thomas Troy, recently wrote an article suggesting that the term "intelligence sources" as used in the National Security Act of 1947, was derived from a Navy effort to protect naval communications intercepts. The Washington Post, relying on Mr. Troy's article implied that the Agency did not inform the Supreme Court of the entire historical context behind the term. Richard Willard, who argued Sims, wrote to the Post saying that Congress, in passing the National Security Act of 1947, clearly meant to give the DCI broad powers to protect many kinds of intelligence sources. Mr. Willard also noted that the Supreme Court was fully aware of the legislative history. Sunday, Mr. Troy wrote to the Post reemphasizing his argument that "intelligence sources" has a meaning limited to communication intercepts. Clearly, Willard was correct in arguing that Congress never even referred to the communications intercept issue and thus, intended a broad reading of "intelligence sources." Copies of the Willard and Troy letters are attached hereto.

7. In summary, the Agency was and is committed to carrying out its responsibilities under the FOIA in as timely a fashion as possible. The FOIA is the law of the land and we will continue to comply with that law. The CIA Information Act is of great help in that regard, and hopefully, will allow us to process all requests, including those from journalists in a much more timely fashion.

  
David P. Doherty

STAT

Attachment

THE WASHINGTON POST  
 DATE: 15 MARCH 1986  
 PAGE: A-22

## *That CIA Secrecy Case*

The Post's article "High Court Disputed in CIA Secrecy Case" [Feb. 24] badly mischaracterizes the circumstances of the Supreme Court's recent decision *CIA v. Sims*, in which the court ruled that the term "intelligence sources and methods" in the National Security Act of 1947 protects all intelligence sources from disclosure.

Relying on an article by retired CIA historian Thomas F. Troy, George Lardner Jr. implies that the CIA and the Justice Department withheld important historical evidence concerning the origin of the "intelligence sources and methods" language from the Supreme Court, evidence that would have led the court to a different conclusion.

This assertion is patently false. Although Mr. Troy and Mr. Lardner trace the term in question back to its allegedly narrower application by certain military officers opposed to the creation of a central intelligence agency, there is no evidence that Congress intended such a crabbed interpretation when it included this phrase in the 1947 act.

In fact, there is no evidence that Congress in 1947 was aware of, much less that it considered, the historical record cited in The Post's article. On the contrary, what legislative history does exist shows that Congress understood that the new intelligence agency would derive intelligence from a number of sources, diverse in character, and that maintaining the secrecy of agency operations was vitally important.

No party in the case misled the Supreme Court. In the *Sims* decision the Supreme Court relied upon the plain meaning of the statutory language, itself consistent with the relevant legislative history of the statute. While the article correctly recognized that *Sims* is an important case, it misunderstood the legal issues and the basic principles of statutory construction involved, and in so doing misconstrued the significance of Mr. Troy's scholarship.

RICHARD K. WILLARD  
 Assistant Attorney General, Civil Division  
 Department of Justice  
 Washington

THE WASHINGTON POST  
 DATE: 6 APRIL 1986  
 PAGE: C-6

# LETTERS TO THE EDITOR

## *That CIA Secrecy Case (Cont'd.)*

Richard K. Willard surprises me. In his March 15 letter, the assistant attorney general in charge of the Civil Division of the Justice Department faults Post reporter George Lardner Jr. for his story "High Court Disputed in CIA Secrecy Case" [Feb. 24], which was based largely on an article written by me and published elsewhere.

What surprises me is Mr. Willard's felt necessity to deny a charge that was not made by Mr. Lardner or by me — namely, that the CIA and Justice "misled" the Supreme Court in *CIA v. Sims*, that they "withheld" from it "important historical evidence" that would have led to a different conclusion about the meaning of the CIA's obligation in the National Security Act of 1947 to protect "intelligence sources and methods" from unauthorized disclosure.

The court and Mr. Willard based their case largely on the legislative history and the "plain meaning" of the obligation. As for the history, let me make three points. One, the court did not know that "sources and methods" origi-

nated as a Navy effort to protect the security of communications intelligence. Without that Navy initiative, I am prepared to argue, that obligation would never have appeared in the 1947 act, in the CIA's charter. That is how important that history is.

Two, the court had before it a false conception of Congress, deliberately incorporating that provision in the act.

Three, the court embraced testimony from a *closed* hearing as indicating congressional concern for protecting "sources and methods."

The truth is, as Mr. Lardner correctly quoted me: "Congress never gave those words the time of day." In short, with bad history in front of it, the court proceeded to write airy nonsense about what Congress in 1947 intended those words to mean.

As to the plain meaning of the statute, Mr. Willard says that Mr. Lardner and I "misunderstood the legal issues and the basic principles of statutory construction" that were involved. Assuredly I shall not tangle with the assistant attorney general on such well chosen turf. Instead, I shall hide behind the judicial skirt of Justice Marshall who, writing for himself and Justice Brennan, said of the court's "expansive reading" of the words: "I cannot imagine the canon of construction upon which this reasoning is based."

As a layman, neither can I. How can the meaning of an "intelligence source" be "plain" when the District Court, the Court of Appeals, the Supreme Court and Justices Marshall and Brennan were all able to come up with four different definitions? As it turned out, the meaning became "plain" when Chief Justice Burger and six colleagues, settling on their definition, said it was "plain."

THOMAS F. TROY  
 Bethesda

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Tonie

Copy to D/NSA by our courier --

CIA courier meeting NSA courier at NPIC  
at 3:00 to give package for D/NSA.

*860408*  
*Copy sent to:*  
*DDC1-D*  
*D/OCA*  
*D/PAO*

Carol  
8 Apr 86

Sanitized Copy Approved for Release 2010/10/18 : CIA-RDP88G01116R001202400003-0

MEMORANDUM FOR:

*Copy*

DCI asked that a copy  
of speech be sent to General Odum.  
Also, in-house to Bob Gates,  
Gene Gries, Geo. Jander;

*done*

*BBie*  
*8 April*

Date

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Executive Registry

86- 1448x/2



7 April 1986

## MEMORANDUM FOR THE DIRECTOR OF CENTRAL INTELLIGENCE

Dear Bill,

Overall, I like the message in the speech. The themes are good, and they offer some "news pegs" as well as arguments that may strike a sympathetic chord here and there.

On using your letter to the President, or the essence of it, I believe you should. The loss won't be that great. Yet it lays a basis for blaming irresponsible press revelations for the high costs of intelligence. That theme -- the leakers and the media are costing the taxpayers millions -- needs careful long-term cultivation. You won't win friends at this meeting for making the point, but I like it and believe it can be made to resonate over the next several months.

On lesser points, you may want to consider editorial changes. I find the whole text a little long. Eight to 10 pages can easily consume 15-18 minutes delivery time.

I also find the key themes too loosely woven. The overarching construct is excellent: intelligence and journalism have a lot in common. They also have acute differences. Why not get the common points together, succinctly stated, then deal with the differences? The text now goes back and forth, losing the power of contrast.

The next big theme, potentially, is "Who pays for leaks?" It gets short shrift on page 4. It needs expansion, using data from your letter to the President.

The last big theme is "our common goal." Why we and the media share a common goal is diffusely spread in the text. I'd end with a sharply focused upbeat section on this point. It is the right note to end on. It wraps you in the flag and offers them a chance to wrap themselves as well.

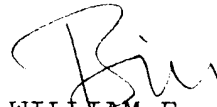
How would -- or should -- this speech play? Two headlines seem possible, both desirable:

-- DCI says leaks cost taxpayers millions

-- DCI seeks common ground with media

I hope these reactions are of some use.

Sincerely,



WILLIAM E. ODOM  
Lieutenant General, USA

CONFIDENTIAL

PAO 86-0029

4 April 1986

MEMORANDUM FOR: Director of Central Intelligence

FROM: George V. Lauder  
Director of Public Affairs

SUBJECT: Address of the American Society of Newspaper Editors

1. Action Requested: None. This is background information for your address to the American Society of Newspaper Editors (ASNE) on Wednesday, 9 April at the J.W. Marriott, 1331 Pennsylvania Avenue, N.W., Washington, D.C. at the corner of 14th Street N.W. and Pennsylvania Avenue. Phone: 393-2000.

2. Arrangements: You are asked to be at the 14th Street entrance at 11:15 a.m. You will be met by ASNE legal counsel Richard Schmidt Jr. who will be your host and who will escort you to the Commerce Room where you will meet with the other head table guests. At 11:25 a.m. you will enter the Grand Ballroom and be seated at the head table to await President Reagan's arrival. He is expected between 11:40 and 11:45 a.m. President Reagan will speak and take questions for a total of thirty minutes, and then leave. At that point (about 12:15 p.m.), the luncheon service will begin. Robert Clark, ASNE President and Vice President of Harte-Hanks Newspapers, will be on your left and Mr. Schmidt on your right. (See opposite for head table list and complete agenda.)

At approximately 1:00 p.m. the post-luncheon program in which you are participating will commence. You, Mr. Schmidt and Howard Simons, curator of the Nieman Foundation and former managing editor for the Washington Post 1971-1984 (See opposite for biographies), will move to the lower stage in front of the head table. (This is the same area that the President will have spoken from earlier.) A standing lectern with microphone and a table with chairs and microphones will be in place for the post luncheon program. You and Mr. Simons will be seated at the table and Mr. Schmidt will introduce you. As you know, the subject of the post-luncheon program is "National Security and the Press." You will proceed to the lectern to deliver 15 minutes of formal remarks, return to the table and then Mr. Simons will do the same. After Mr. Simons is seated, Mr. Schmidt will moderate a question and answer period. You and Mr. Simons may have questions to address to each other in the

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P 304-1A

CONFIDENTIAL

SUBJECT: Address of the American Society of Newspaper Editors

initial period. Then the discussion will be opened to questions from the floor. The ground rules of this convention require that only members of the Society may ask questions, and they will identify themselves and their newspapers. The members will go to floor microphones in the audience and be recognized by Mr. Schmidt. The program will conclude no later than 2:15 p.m.

Audience: Approximately 1100 ASNE members, spouses, their sponsored guests and journalism educators make up the audience.

Press: The entire convention will be broadcast by C-SPAN. In addition, there will be maximum press coverage of the President's address--about 60 newspaper reporters and a dozen or so television reporters. Although ASNE is unable to predict how many will stay for the post-luncheon discussion, they believe that the discussion will be reported by the major wire services and the national dailies. C-SPAN plans to cover this portion of the convention live. Photographers will be allowed to photograph you for the first three minutes of your speech and again during the first few minutes of the discussion period. You have signed a release to Audio Transcripts so that they can record and duplicate your remarks.

Background Information on ASNE: The American Society of Newspaper Editors is an organization of more than 900 editors of daily newspapers in the United States and Canada. Editors having immediate charge of editorial or news policies of daily newspapers are eligible to join. ASNE was founded in 1922. Its principal purpose has always been to serve as a medium for exchange of ideas and the professional growth and development of its members. ASNE is a volunteer organization, and most of the work of the Society is accomplished by the standing committees, of which there are currently 14. Seymour Topping, NEW YORK TIMES, chairs the 1986 Program Committee. Chief Justice Warren Burger will be talking to the group on Friday. (For further information see attached background paper and list of speakers 1980 - 1985.)

Recent articles in the newspapers discuss ASNE's concern over lack of public confidence in the ways that news organizations report the news, First Amendment issues and coverage of last year's conference. (See opposite NEXIS runs.)

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SUBJECT: Address of the American Society of Newspaper Editors

Background Information on the Nieman Foundation: According to the NEW YORK TIMES and AP articles, the Nieman Foundation (Howard Simons is curator) operates the Nieman Fellowships, which take 20 practicing journalists to Harvard for an academic year that is generally rated the most prestigious study opportunity in journalism. The Nieman Fellowships were established in 1938 in memory of Lucius Nieman, founder of the Milwaukee Journal.

  
*for* George V. Lauder

25X1

DCI/PAO/GVL 

APRIL 86

25X1

25X1

CONFIDENTIAL

## ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Address of the American Society of Newspaper Editors

FROM: George V. Lauder  
Director, Public Affairs Office  
7D00 Headquarters

EXTENSION

NO. PAO 86-0029

DATE  
4 April 1986

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S  
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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ER

2.

3.

ExDir

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DDCI Designate

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DCI

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**EXECUTIVE SECRETARIAT**  
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13	D/OLL				
14	D/PAO		X (original)		
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SUSPENSE		Date			

Remarks

Executive Secretary

4 April 86  
Date

3637 (10-81)

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Executive Registry

86- 0762x/2

LAW OFFICES

## COHN AND MARKS

MARCUS COHN  
LEONARD H. MARKS  
STANLEY S. NEUSTADT  
STANLEY B. COHEN  
RICHARD M. SCHMIDT, JR.  
JOEL H. LEVY  
ROBERT B. JACOBI  
RONALD A. SIEGEL  
ROY R. RUSSO  
IAN D. VOLNER  
LAWRENCE N. COHN  
RICHARD A. HELMICK  
BRIAN M. MADDEN  
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N. FRANK WIGGINS

ROBERT CLIFTON BURNS  
J. BRIAN DE BOICE  
MARK L. PELESH  
JILL JOHNSON-PENNINGTON  
DAVID M. RICKLESS

OF COUNSEL  
MARTIN I. LEVY  
JAMES P. JOHNSON†

†MEMBER COLORADO BAR ONLY

SUITE 600  
1333 NEW HAMPSHIRE AVENUE, N. W.  
WASHINGTON, D. C. 20036

TELEPHONE (202) 293-3860  
CABLE COMAR WASHINGTON, D. C.

March 31, 1986

Hon. William J. Casey  
Director of Central  
Intelligence Agency  
Washington, D.C. 20505

Dear Mr. Casey

The American Society of Newspaper Editors is delighted that you have agreed to appear before the Annual Convention on Wednesday, April 9th, at the Grand Ballroom at the J. W. Marriott Hotel in Washington, D.C.

As has been confirmed by George V. Lauder, Director of Public Affairs for the CIA, your portion of the program will commence at 1:15 p.m. and you will be the first speaker on the topic "National Security and the Press" followed by Mr. Howard Simons, Curator of the Nieman Foundation at Harvard University.

I will act as moderator of this program and introduce the two speakers. After each of you has spoken and has had an opportunity to comment on the other's statements, we will open the program to questions from the audience. Pursuant to the ASNE rules the questions may be asked by members of ASNE only who will be asked to identify themselves and their paper. We will adjourn promptly at 2:15 p.m.

Because President Reagan will address the Convention from 11:45 a.m. to 12:15 p.m. it will be necessary for those who will be at the head table during the President's address, which includes you and Mr. Simons, to come to the Commerce Room on the Mezzanine Floor of the J. W. Marriott Hotel by no later than 11:15 a.m. The Secret Service has asked that all of the guests at the head table gather at this one spot and then be ushered into the Ballroom and take their places at the head table prior to the President's arrival. I will join you and Mr. Simons in the Commerce Room and all three of us will be at the head table.

P-309-1R

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Hon. William J. Casey  
March 31, 1986  
Page 2

After the President speaks at 12:15 p.m. he will depart the Ballroom and luncheon will be served from 12:15 to 1:15 p.m. We will then commence our portion of the program.

We look forward to having you with us on Wednesday, April 9th.

Sincerely



Richard M. Schmidt, Jr.

cc: Howard Simons  
George V. Lauder

Central Intelligence Agency  
Washington, D.C. 20505

28 March 1986

Executive Director

NOTE FOR: DCI

*Bill -*

*11 APR 1986*

sent me a courtesy copy of the latest draft of your 9 May speech to the American Society of Newspaper Editors. George Lauder did a draft speech for you a couple of weeks ago which I read and rather liked. Some of the points in the current draft are excellent, but for my money its organization is much less to the point.

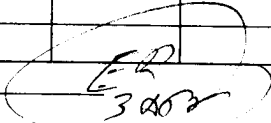


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**EXECUTIVE SECRETARIAT**  
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7	DDO				
8	DDS&T				
9	Chm/NIC				
10	GC				
11	IG				
12	Compt				
13	D/OLL				
14	D/PAO	X	OK		
15	D/PERS				
16	VC/NIC				
17	D/OS		X		
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SUSPENSE		Date 			

Remarks

Please provide your comments ASAP.

 Executive Secretary  
Date \_\_\_\_\_

3637 (10-81)

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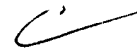
27 March 1986

MEMORANDUM FOR: Deputy Director for Intelligence  
Director of Public Affairs  
Director of Security  
Chairman, DCI Security Committee

FROM: Director of Central Intelligence

SUBJECT: 9 April Speech to American Society of  
Newspaper Editors


To kick off a broad campaign against leaks, I am making this speech to the annual meeting of the American Society of Newspaper Editors to be held in Washington on 9 April. I'd like all of you to read it and give me any criticism or improvements that occur to you.



William J. Casey

Attachment a/s

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Executive Registry

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18 March 1986

NOTE FOR: DCI<sup>2</sup>

FROM: EXDIR

SUBJECT: Speaking Engagement--American Association of Newspaper Editors

Here are five themes which you might fit into your speech to the American Association of Newspaper Editors:

- Some see a secret intelligence agency as an anomaly in a democratic society. We see no incompatibility. Our society creates rules for every one of us to live by, and it has created rules for us--rules which are appropriate to our mission. We think America would be hard put to exist as a nation without an effective intelligence organization.
- For some of you, the secrecy which is an integral part of our work seems to be a challenge to be overcome. This is unfortunate. Our work can't be done in the spotlight. If our work doesn't get done effectively, our country will be without eyes and ears in an often ugly world.
- Intelligence is really a great bargain in the federal budget, but it is still a costly enterprise. Exposing intelligence activities--thereby reducing or eliminating our effectiveness--can be a flagrant waste of the taxpayer's money.
- Occasionally, an American citizen is convicted of espionage. After trial in a court, he may be imprisoned because he passed sensitive information to foreigners. It is hard for us to see why our media can sometimes, through the act of publication, make sensitive information available to foreigners and not be held to account.
- We think our media sometimes places some abstract duty to "inform the people" above simple good citizenship.

25X1

SECRET

DCI  
EXREG  
REG

P-309-1R

X-REF B301

THE WHITE HOUSE  
WASHINGTON

Executive Registry	
86-	1255/3

March 31, 1986

MEMORANDUM FOR WILLIAM J. CASEY

FROM: PAT BUCHANAN 

Parvin is booked up, for two weeks; have sent your speech over to Tony to re-work. He can, I am sure, find some anecdotal and humor material.

P-309-1R

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The Director of Central Intelligence

Washington, D. C. 20505

Executive Registry

86-

1255/1

28 March 1986

Dear Pat,

Here's my first cut of my 15-minute talk to the American Society of Newspaper Editors on 9 April. I would appreciate it if you could ask Mr. Parvin to give me some ideas on it after my return here next Tuesday. I will also appreciate any suggestions you may have.

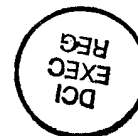
Yours,

  
William J. Casey

Enclosures:

2 copies of speech

The Honorable Patrick J. Buchanan  
Assistant to the President and  
Director of Communications  
The White House  
Washington, D. C. 20500



P-309-1R

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The Director of Central Intelligence

Washington, D. C. 20505

1255/2

28 March 1986

Dear John,

Here's my first cut of the talk I intend to give to the American Society of Newspaper Editors on 9 April. I will appreciate any thoughts or suggestions you may have.

Yours,



William J. Casey

Enclosure:  
Speech

Vice Admiral John M. Poindexter, USN  
Assistant to the President for  
National Security Affairs  
The White House  
Washington, D. C. 20500



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Jay,

ER-0473

The attached was distributed by DDCI, passed  
this copy to us for file.

Joyce -  
C-gram received

Rich

26 FEB 1986

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Executive Registry

86- 0800

26 February 1986

MEMORANDUM FOR: Director of Central Intelligence

FROM: Deputy Director of Central Intelligence

SUBJECT: Speaking Engagement with the American Association of Newspaper Editors


1. I would keep your pitch simply focused on the issue of protecting intelligence which is essential to our national security interest. I would not dabble off into leaks but challenge the editors to carry out their responsibility towards our national interests balanced against their commitment to keep the American public informed. Their commitment, however, does not mean that such information should decimate our intelligence capabilities and apparatus.

2. I would speak to the many times that newspapers do show restraint in certain issues, such as waiting to expose a victim's name until the next of kin are notified. Use the example that Leo Cherne did of the Boston Globe's sitting on a story regarding cocaine use by the Boston Patriots until after the season was over. Certainly the urge to refrain should be far greater in protecting our national security than the reputation of some football junkies. I would not expand your concern into conduct of diplomacy but simply center it around your own statutory obligations, which the media constantly assails in their publication of sources and methods. To attempt to expand it will throw you into a debate about the American public's right to know how our country intends to deal in its foreign relationships and the public's consequent need to be informed about our policy deliberations.

3. I would try to set up examples of how intelligence information pertinent to the public's needs is released through NSC, State, Commerce, Treasury, or Defense channels in a fashion that protects our sources yet at the same time keeps the public informed. I believe a little bit of research can produce a wealth of interesting topics.

4. I would avoid getting into discussing the polygraph issue, at least at your initiative. Instead, I would begin to put the burden on the editors to exercise some discipline in their journalistic reporting to help you carry out your obligations to protect American security interests.

STAT



John N. McMahon

Distribution:

Orig - Addressee

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# **EXECUTIVE SECRETARIAT** **ROUTING SLIP**

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1	DCI		X		
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4	D/ICS				
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6	DDA				
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SUSPENSE 17 Mar 86  
Date

**Remarks**

To All: This speech would take place on 9 April.  
Given DCI's travel schedule, please have your inputs  
to him by 17 March.

Executive Secretary  
21 Feb 86

Date

STAT

Executive Registry
86-0762

21 February 1986

MEMORANDUM FOR: Deputy Director of Central Intelligence  
Executive Director  
Deputy Director for Intelligence  
Director of Public Affairs

FROM: Director of Central Intelligence

SUBJECT: Speaking Engagement--American Association of Newspaper Editors

1. I have accepted an invitation to speak to the American Association of Newspaper Editors--some 800 to 900 editors of daily papers--at their convention in Washington in April. I asked Ben Bradlee to arrange this appearance. I want to address the subject of the media and national security focusing largely on intelligence that will embrace unauthorized disclosures, sources and methods, and the conduct of diplomacy and relationships with other countries and policies in making intelligence judgments available to the public and the legislature related to ongoing public issues.

2. I would appreciate it if each of you would think a little about what would be most useful for this occasion and give me your thoughts.



William J. Casey

